

REMARKS

In the Election of Species Requirement mailed May 17, 2006, the Examiner required election of a species which limits the analyzing step:

- Group 1: the act of analyzing the output waveform for presence of the characteristic waveform includes applying the output waveform to a digital lock-in amplifier (Claim 13);
- Group 2: the act of analyzing the output waveform for presence of the characteristic waveform includes fitting the output waveform to the characteristic waveform (Claims 14-15);
- Group 3: the act of analyzing the output waveform for presence of the characteristic waveform includes determining a background signal and subtracting the background signal from the output waveform (Claim 16).

Applicant elects claim 13 from Group 1, for further prosecution. This election is made without traverse. However, Applicant points out that claims 11, 12, and 17-25 are generic. Upon allowance of the generic claims, Applicant will request consideration of the claims to the non-elected species.

The Examiner has additionally required election of a species which limits the term "target analyte":

- Group 4: the target analyte is a nucleic acid (Claim 18);
- Group 5: the target analyte is a protein (Claim 19).

Claims 11, 12, and 17-25 are generic.

Applicant elects claim 18 from Group 4, for further prosecution. This election is made without traverse. However, Applicant points out that claims 11, 12, and 17-25 are generic. Upon allowance of the generic claims, Applicant will request consideration of claims to the non-elected species.

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CONCLUSION

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,
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